

UNITED STATES DISTRICT COURT  
for the  
Eastern District of North Carolina

United States of America )  
v. )  
Cedric Andril Smalls ) Case No: 5:08-CR-369-1FL  
Date of Original Judgment: May 12, 2009 )  
Date of Previous Amended Judgment: \_\_\_\_\_ ) USM No: 25859-056  
*(Use Date of Last Amended Judgment if Any)* ) Thomas P. McNamara  
Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

The defendant was sentenced at the statutory minimum and that minimum did not change as a result of the retroactive amendment.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

*(Complete Parts I and II of Page 2 when motion is granted)*

Except as otherwise provided, all provisions of the judgment(s) dated May 12, 2009, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 9/12/2013

Louis W. Elmergan

*Judge's signature*

Effective Date: \_\_\_\_\_  
*(if different from order date)*

Louise W. Flanagan, U.S. District Judge  
*Printed name and title*